

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AKIVA A. ISRAEL,

Plaintiff,

v.

ROBERT NEGRETE,

Defendant.

No. 2:22-cv-1391 CSK P

ORDER AND ORDER TO SHOW CAUSE

Plaintiff is a state prisoner proceeding pro se. On June 4, 2024, plaintiff filed a motion for default judgment against defendant Dr. Robert Negrete. (ECF No. 15.) Plaintiff seeks judgment in the amount of \$69,000.09. (*Id.*) However, the court record reflects no entry of clerk's default, which is required prior to a motion for default judgment. Fed. R. Civ. P. 55(a). Thus, plaintiff's motion for default judgment is premature and is denied without prejudice.

The assigned magistrate judge directed the United States Marshal to serve all process without prepayment of costs. (ECF No. 4.) On December 27, 2023, the Marshal returned the summons and complaint indicating service on defendant Negrete had been executed. (ECF No. 13.) Defendant Negrete, although served,¹ has not yet filed a responsive pleading. Therefore, the

¹ Court records indicate that the U.S. Marshal personally served Janet McGinnis, administrative assistant at defendant's office, 4001 California 104, Plymouth, California, on October 24, 2023. (ECF No. 13.)

1 Court directs defendant to show cause why clerk's default should not be entered. Defendant is
2 cautioned that failure to respond may result in the imposition of a default judgment against him.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's motion for default judgment (ECF No. 15) is denied without prejudice;
5 2. Defendant Negrete show cause, within fourteen days from the date of this order, why
6 clerk's default should not be entered; and
7 3. The Clerk of the Court shall forward a copy of this order to defendant Dr. Robert
8 Negrete, 4001 California 104, Plymouth, CA 95669.

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10 Dated: June 6, 2024

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12 CHI SOO KIM
13 UNITED STATES MAGISTRATE JUDGE

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